

Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)
)
Amendment of Parts 2 and 25 of the)
Commission's Rules to Permit Operation)
of NGSO FSS Systems Co-Frequency with)
GSO and Terrestrial Systems in the Ku-Band)

ET Docket No. 98-206
RM-9147

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Commission

COMMENTS OF SKYBRIDGE ON
FWCC/SKYBRIDGE PROPOSAL

SkyBridge L.L.C. ("SkyBridge") hereby responds to the Public Notice released by the Commission in the above-captioned proceeding on December 27, 1999,^{1/} seeking comments on a proposed regulatory scheme for the shared use of the 10.7-11.7 GHz band that was submitted to the Commission jointly by SkyBridge and the Fixed Wireless Communications Coalition ("FWCC"). This proposal (the "Joint Proposal") is described in detail in a joint ex parte letter from SkyBridge and the FWCC dated December 8, 1999 ("December 8 Letter"), as augmented by a joint ex parte letter dated December 22, 1999 ("December 22 Letter").

The December 8 Letter sets out in detail the scope of the Joint Proposal and demonstrates that the interests of both the Fixed Service ("FS") and the nongeostationary orbit ("NGSO") fixed satellite service ("FSS") would be better protected by adoption of the regulatory scheme outlined in the Joint Proposal, as opposed to the one set out in the Notice of Proposed Rulemaking ("NPRM") in this proceeding.^{2/} The map attached to the

^{1/} DA 99-3008.

^{2/} See Amendment of Parts 2 and 25 of the Commission's Rules, 14 FCC Rcd
(continued...)

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December 22 Letter provides a graphic comparison of the geographic scope of the protection accorded the FS by the Joint Proposal's FS Growth Zone concept versus the NPRM's exclusion zones.^{3/} In brief, the proposed Growth Zones facilitate FS expansion in the geographic areas in which that expansion is reasonably anticipated to occur. The NPRM's exclusion zones, on the other hand, "protect" vast areas in which there is little FS use of the band and in which little, if any, growth is anticipated.

Put simply, the Joint Proposal provides a win-win solution to the issue of FS/NGSO FSS coexistence in the 10.7-11.7 GHz band.^{4/} In conjunction with a proposed definition of a Gateway that ensures that such facilities will be far from ubiquitous, the Growth Zones will provide the FS industry with real assurance that its expansion will not be significantly inhibited by the deployment of NGSO FSS Gateways in the band. For their part, NGSO FSS operators are assured that, consistent with generally applicable coordination rules, they will be free to site their Gateways in the most technically/economically advantageous locations, subject to certain potential regulatory and operational burdens designed to protect existing and future FS operations.

^{2/} (...continued)
1131, 1142-47 (1998).

^{3/} Attached hereto is a list of the counties identified by the map as qualifying as a Growth Zone.

^{4/} SkyBridge currently is exploring the possibility of a similar basis for mutually advantageous coexistence in the 12.75-13.25 GHz band with representatives of the broadcast and cable auxiliary services.

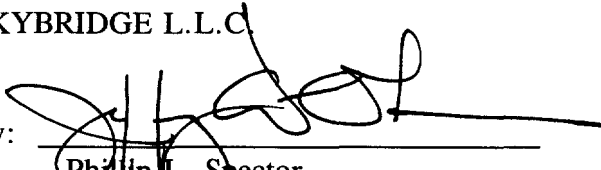
CONCLUSION

The Commission should adopt the Joint Proposal as the basis for FS/NGSO FSS cohabitation of the 10.7-11.7 GHz band. The interests of the FS and NGSO FSS communities -- and, most importantly, the public -- would be well served by doing so.

Respectfully submitted,

SKYBRIDGE L.L.C.

By: _____


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January 12, 2000

LIST OF COUNTIES QUALIFYING AS
FS GROWTH ZONES
BASED ON 1998 DATABASE

| | State | County | No. Frequencies |
|----|-------|------------------------------|--------------------|
| 1 | CA | LOS ANGELES | 472 |
| 2 | CA | RIVERSIDE | 287 |
| 3 | CA | ORANGE | 226 |
| 4 | AZ | MARICOPA | 163 |
| 5 | CA | SAN BERNARDINO | 145 |
| 6 | NY | NEW YORK | 128 |
| 7 | IL | COOK | 106 |
| 8 | CA | MENDOCINO | 94 |
| 9 | CA | ALAMEDA | 92 |
| 10 | UT | SALT LAKE | 91 |
| 11 | WI | WAUKESHA | 89 |
| 12 | CA | SAN DIEGO | 88 |
| 13 | MI | OAKLAND | 85 |
| 14 | NY | ONONDAGA | 81 |
| 15 | CA | CONTRA COSTA | 78 |
| 16 | NJ | SUSSEX | 78 |
| 17 | PA | PHILADELPHIA | 78 |
| 18 | KY | PIKE | 77 |
| 19 | TX | DALLAS | 75 |
| 20 | NY | SUFFOLK | 72 |
| 21 | MA | MIDDLESEX | 68 |
| 22 | WA | KING | 67 |
| 23 | CA | SANTA CLARA | 66 |
| 24 | WY | PARK | 65 |
| 25 | AZ | PIMA | 65 |
| 26 | CA | HUMBOLDT | 64 |
| 27 | WA | YAKIMA | 64 |
| 28 | MI | WAYNE | 62 |
| 29 | GA | FULTON | 61 |
| 30 | PA | ALLEGHENY | 61 |
| 31 | CA | VENTURA | 59 |
| 32 | OK | OKLAHOMA | 59 |
| 33 | CA | EL DORADO | 58 |
| 34 | CA | SONOMA | 57 |
| 35 | CA | SANTA BARBARA | 55 |
| 36 | CA | MARIN | 54 |
| 37 | HI | HONOLULU | 54 |
| 38 | WY | SWEETWATER | 52 |
| 39 | WA | GRAYS HARBOR | 52 |
| 40 | NJ | ESSEX | 50 |
| 41 | AZ | GILA | 49 |
| 42 | WY | CARBON | 49 |
| 43 | CA | KERN | 48 |
| 44 | CA | TEHAMA | 48 |
| 45 | CA | SACRAMENTO | 48 |
| 46 | TX | HARRIS | 47 |
| 47 | WI | DANE | 46 |
| 48 | PA | DAUPHIN | 44 |
| 49 | AZ | COCONINO | 42 |
| 50 | AK | FAIRBANKS NORTH STAR BOROUGH | 42 |
| 51 | AZ | YUMA | 41 |
| 52 | CA | SAN FRANCISCO | 41 |
| 53 | NV | CHURCHILL | 41 |
| 54 | WA | OKANOGAN | 40 |
| 55 | NJ | HUDSON | 40 |
| 56 | VA | ALEXANDRIA CITY | 40 |
| 57 | DC | DISTRICT OF COLUMBIA | 40 |

| | | | |
|----|----|-------------------|----|
| 58 | NH | HILLSBOROUGH | 39 |
| 59 | WA | SPOKANE | 39 |
| 60 | CO | EL PASO | 39 |
| 61 | ID | BANNOCK | 38 |
| 62 | FL | DADE | 38 |
| 63 | WI | JEFFERSON | 38 |
| 64 | TX | TARRANT | 38 |
| 65 | AZ | COCHISE | 37 |
| 66 | CA | MONTEREY | 37 |
| 67 | WA | CLALLAM | 36 |
| 68 | MI | VAN BUREN | 36 |
| 69 | IL | DU PAGE | 36 |
| 70 | NV | CLARK | 36 |
| 71 | WA | PIERCE | 34 |
| 72 | OR | KLAMATH | 34 |
| 73 | CA | SOLANO | 34 |
| 74 | AK | JUNEAU BOROUGH | 34 |
| 75 | CA | TUOLUMNE | 33 |
| 76 | NM | BERNALILLO | 33 |
| 77 | NH | ROCKINGHAM | 33 |
| 78 | OR | MULTNOMAH | 33 |
| 79 | VA | FAIRFAX | 33 |
| 80 | NJ | MONMOUTH | 33 |
| 81 | PA | ERIE | 32 |
| 82 | AZ | MOHAVE | 32 |
| 83 | ID | BONNER | 32 |
| 84 | OR | LANE | 32 |
| 85 | WI | MARATHON | 32 |
| 86 | CA | MARIPOSA | 32 |
| 87 | CO | DENVER | 32 |
| 88 | UT | BOX ELDER | 31 |
| 89 | PA | BLAIR | 31 |
| 90 | PA | LUZERNE | 31 |
| 91 | GA | DE KALB | 31 |
| 92 | AK | ANCHORAGE BOROUGH | 30 |
| 93 | HI | HAWAII | 30 |
| 94 | IL | LAKE | 30 |
| 95 | WA | CHELAN | 30 |